IN THE HIGH COURT OF JUDICATURE AT BOMBAY
Appellate Side

Writ Petition No. 3457 of 2003

Pradeep Chintaman Kuber...Petitioner
vs
The State of Mah & ors.Respondents
Ms Mhaispurkar for petitioner
Mr A P Vanarse AGP for respondents

CORAM: A.P.SHAH J.

Dated l7.l0.2005

P.C:

. Rule. The learned AGP waives service for respondents. By consent, Rule is made returnable forthwith.

2. The petitioner was owner of agricultural land bearing S.No.694 Hissa No.2 admeasuring about l hector and 94 Ares of Mouje Dahiwadi, Taluka Man, District Satara. The said land of the petitioner was acquired by the respondents for resettlement of Andhali project affected persons under the provisions of the Land Acquisition Act, l894. The Special Land Acquisition Officer made his award on l5.l0.l994 awarding compensation of Rs.92,904/-. Notice of making the award was served on the petitioner on 26.3.l995. The petitioner applied for a certified copy of the award on 29.3.l995 and the copy was received by the petitioner on

6.5.l995. The petitioner filed an application for reference under section l8 to the Collector on l2.5.l995. The Collector, however, vide his order dated ll.l2.2000 rejected the petitioner’s application as barred by limitation. The legality and validity of the said order is questioned in this petition under Article 226.

3. It is well settled that mere service of the notice under section l2(2) would not amount to fixing the party with the knowledge of all the essential contents of the award. In Mangilal Jawanmal and ors vs. The Spl. Land Acquisition Officer (I) Thana, AIR l978 Bombay 325, the Division Bench of this Court has held that the phrase "within six weeks of the receipt of the notice" occurring in the first part of proviso (b) to section l8(2) must be interpreted to mean within six weeks from the receipt of effective notice meaning thereby from the receipt of the knowledge of the essential contents of the award by the claimants including the reasons or the basis on which the quantum of compensation has been fixed as also the other particulars. The mere service of the notice would not amount to fixing the party with the knowledge of all the essential contents of the award.In the present case the copy of the award

was supplied to the petitioner on 6.5.l995 Upon receipt of the copy the petitioner made an application on l2.5.l995 and thus the application is perfectly within limitation prescribed by the Land Acquisition Act.

4. In the result the petition succeeds. The impugned order dated ll.l2.2000 passed by the Collector in Case No.320/2 is quashed and set aside. The Collector is directed to make reference to the Civil Court under section l8 of the Land Acquisition Act within a period of four weeks. Rule is made absolute accordingly with no order as to costs.